

Remarks

The August 28, 2006 Office Action imposed a restriction requirement, and also raised provisional species election requirements. In view of the amendment above and the remarks below, substantive examination is respectfully requested.

Applicant elects Group I, without traverse, and without prejudice to the filing of one or more divisionals on the non-elected subject matter. Hence, claims 14-16 have been withdrawn, claim 1 (and thus claims 3-13) have been limited to the transplant rejection group by amendment, and claim 2 has been limited to the elected subject matter. This is believed to address the primary restriction requirement.

However, the Office Action also raised (on its page 4) two provisional species requirements. In that Group I has been elected the Office Action is also requesting provisional elections as to a peptide species and a sample species. In response, Applicant notes the following:

1. We are not sure whether the office is provisionally grouping claim 1 paragraphs (a) and (c) together as related to SEQ. ID NO. 1, and claim 1 paragraphs (b) and (d) together as related to SEQ. ID NO. 2. Alternatively, it is possible the office may be asserting that each of the four claim 1 peptide species must be split from each other if there is no generic claim allowable to claim 1.

For now, Applicant assumes that the former was intended. Hence, Applicant provisionally elects the following peptide specie of claim 1 if no claim generic to the peptide species of claim 1 is allowable:

--(a) phosphorylated proteins having at least 95 percent homology to phosphorylated SEQ. ID NO. 1 in a form in which at least a tyrosine of SEQ. ID NO. 1 has been phosphorylated; and

(c) proteins having at least 95 percent homology to SEQ. ID NO. 1--

If this provisional restriction is implemented, claims 1-13 would still correspond to the elected subject matter.

If instead the office intended a four way provisional peptide restriction, claim 1 species (a) would be elected and that would still correspond to claims 1-13.

2. Applicant similarly believes that there should be no tissue species restriction. In any event, he provisionally elects the following claim 3 specimen specie:--animal's transplanted organ--.

If this provisional restriction is implemented, claims 1-11 and 13 would still correspond to the elected subject matter, albeit it is presumed that the office would then want to limit the scope of claims 3, 6 and 10.

3. If the office implemented both the peptide species and tissue species restrictions, regardless of which form of peptide species restriction was intended claims 1-11 and 13 would still correspond to the elected subject matter, albeit it is presumed that the office would then want to limit the scope of claims 3, 6 and 10.

Finally, Applicant notes that inventorship is unaffected by these amendments (or for that matter any amendments in the future to implement the provisional elections), as there is only one named inventor. Applicant assumes that this is simply a standard paragraph added to restriction requirements, rather than an issue specifically raised by the office with respect to this application.

Conclusion

In view of the above amendment and remarks, allowance of claims 1-13, as amended, is respectfully requested. No additional fee is believed necessary for the consideration of

this amendment. However, if one is, please charge Deposit
Account 17-0055 for the needed fees.

Respectfully submitted,

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